



## NOTICE OF ALLOWANCE AND ISSUE FEE DUE

QM31/0915

MICHAEL S MARCUS  
MORGAN & FINNEGAN  
345 PARK AVENUE  
NEW YORK NY 10154

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/896,805	07/18/97	032	NGUYEN, T	3738 09/15/99
First Named Applicant	MARTIN,	35 USC 154(b) term ext. =		

TITLE OF INVENTION KINK RESISTANT STENT-GRAFT

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3	3359-4005US1	623-001.000	B63 UTILITY	NO	\$1210.00	12/15/99

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

### HOW TO RESPOND TO THIS NOTICE:

**I. Review the SMALL ENTITY status shown above.**

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

**II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.**

**III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.**

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

## Notice of Allowability

Application No.  
**08/896,805**

Applicant(s)  
**MARTIN et al.**

Examiner  
**Tram Nguyen**

Group Art Unit  
**3738**



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to applicant's amendment of July 30, 1999.

☒ The allowed claim(s) is/are 1-30, 41, and 42.

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☒ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

### Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

Canceled claims 31-33 and 35-40, which are directed to a non-elected invention.

3. The application having been allowed, formal drawings are required in response to this Office action.

4. The following is an examiner's statement of reasons for allowance:

The prior art fails to disclose or teach a stent and graft combination wherein a ribbon or tape member couples the stent and graft together as claimed, the ribbon or tape either being adhered to the stent and wound so as to form spaced apart windings, or wound in a helical manner so as to cover less than entirely the surface of the graft.

Cottone, Jr. '663 discloses a stent-graft wherein the graft is formed by helically wrapping a ribbon of PTFE around a mandrel. However, the ribbon of Cottone, Jr. fails to couple the stent and graft together. Moreover, the ribbon of Cottone, Jr. is not wound so as to form spaced apart windings, since the ribbon must overlap adjacent turns in order to form a continuous graft surface.

Likewise, Myers et al. '892 discloses a stent-graft wherein the graft is formed by wrapping an overlapping ribbon of PTFE around a mandrel. Again, the ribbon of Myers et al. fails to couple the stent and graft together. Moreover, the ribbon of Myers et al. is not wound so as to form spaced apart windings, since the ribbon must overlap adjacent turns in order to form a continuous graft surface.

Finally, Banas et al. '880 discloses a stent-graft wherein a tape is used to keep the graft secured onto the mandrel so that the stent can be position over the graft. Once the stent is positioned on the graft, the tape is removed so that the stent-graft can be removed from the mandrel. The tape of Banas et al. fails to couple the stent and graft together. Moreover, the tape of Banas et al. is not wound so as to form spaced apart windings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

TAN

TAN

August 26, 1999



Mickey Yu  
Supervisory Patent Examiner  
Group 3700